

5836-01-MJA

PTO/SB/97 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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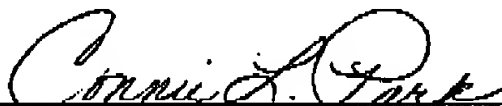
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on June 7, 2004

Date



Signature

Connie L. Park

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No. of Pages 11

| | |
|------------------------------|--------|
| Certificate of Transmission | 1 pg. |
| Request for RCE Transmittal | 1 pg. |
| Fee Transmittal | 1 pg. |
| Copy of Ater Final Amendment | 8 pgs. |

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PTO/SB/30 (09-03)

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**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
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P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|---------------------|
| Application Number | 09/674,815 |
| Filing Date | December 7, 2000 |
| First Named Inventor | Akira Aomatsu |
| Art Unit | 1614 |
| Examiner Name | Kwon, Brian Yong S. |
| Attorney Docket Number | 5836-01-MJA |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☒ Other After Final Amendment filed on April 7, 2004

b. ☐ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Fee Transmittal

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(e) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 23-0455

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)


iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|--|-----------------------------------|--------------|
| Name (Print/Type) | Matthew J. Russo | Registration No. (Attorney/Agent) | 41,282 |
| Signature |  | Date | June 7, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

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| | | | |
|-------------------|---|------|--------------|
| Name (Print/Type) | Connie L. Park | Date | June 7, 2004 |
| Signature |  | | |

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USPTO Fax No. 703-872-9307

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0661-0032
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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 1,190.00**Complete if Known**

| | |
|----------------------|----------------------|
| Application Number | 09/674,815 |
| Filing Date | December 7, 2000 |
| First Named Inventor | Akira Aomatsu |
| Examiner Name | Kwon, Brian Young S. |
| Art Unit | 1614 |
| Attorney Docket No. | 5836-01-MJA |

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit
Account
Number
Deposit
Account
Name

Warner-Lambert Company LLC

23-0455

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |

SUBTOTAL (1) (\$ 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 0 | -20** = | 18.00 | 0.00 |
| 0 | -3** = | 86.00 | 0.00 |
| Multiple Dependent | | | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 1202 18 | 2202 9 | Claims in excess of 20 | |
| 1201 86 | 2201 43 | Independent claims in excess of 3 | |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid | |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$ 0.00

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

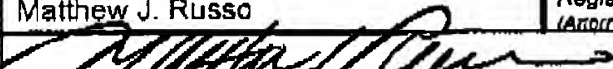
| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | 420.00 |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(c) | |
| 1808 180 | 1808 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | 770.00 |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1,190.00**SUBMITTED BY**

(Complete if applicable)

| | | | | | |
|-------------------|--|---------------------------------|--------------|-----------|--------------|
| Name (Print/Type) | Matthew J. Russo | Registration No. (Agency/Agent) | 41,282 | Telephone | 734-622-1747 |
| Signature |  | Date | June 7, 2004 | | |

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Serial No. 9/674,815
5836-01-MJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re application of: Aomatsu et al.

Group Art Unit: 1614

Serial No.: 09/674,815

Examiner: Kwon, Brian Yong S.

Filed: 12/07/2000

Paper No. 23

For: STABILIZED PHARMACEUTICAL PREPARATION CONTAINING 4-AMINO-3-SUBSTITUTED-BUTANOIC ACID DERIVATIVES AND PROCESS FOR PREPARING THE SAME

Docket No.: 5836-01-MJA

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AFTER FINAL AMENDMENT PURSUANT TO 37 CFR § 1.116
REQUIRED SUBMISSION UNDER 37 CFR § 1.114Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner:

In response to a Final Office action mailed January 7, 2004 (Paper No. 22), please amend the above-identified application as indicated in a listing of claims that begins on page 2 of this paper. Applicant's remarks begin on page 5 of this paper. This Amendment accompanies a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

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FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office, AU 1614, telephone number 703-872-9306.

Date: June 7, 2004

Signature

Connie L. Park
(type or print name of person certifying)

(After Final Amendment—page 1 of 8)